

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF
MISSOURI SOUTHERN DIVISION**

TRAVIS DUNCAN,)
Plaintiff,)
v.)
BLACKBIRD PRODUCTS GROUP, LLC,)
Defendant.)

Case No. 17CV-03404-BP

**DEFENDANT BLACKBIRD PRODUCTS GROUP, LLC' S MOTION FOR SUMMARY
JUDGMENT**

COMES NOW, Defendant Blackbird Products Group, LLC, hereafter referred to as “Defendant,” by and through its attorney Christopher P. Lawson of Lawson Law Office, LLC, requests entry of summary judgment in Defendants favor and against Plaintiff Travis Duncan on all of his claims against Defendant pursuant to Federal Rule of Civil Procedure 56. In support of Defendants motion, Defendant submits the accompanying brief. As the brief requests, Defendant asks the court to enter summary judgment in Defendants favor and against Travis Duncan as follows:

1. Duncan fails to present any evidence to support his claim he registered his work.
 2. Duncan is not the owner of the copyright under work made for hire.
 3. Duncan does not own a valid registration.
 4. Duncan failed to register and/or register timely.
 5. The parties had an express agreement that Blackbird would own the photos.
 6. Blackbird had an implied license to use the image to summary judgment.
 7. Blackbird is entitled to summary judgment based on equitable estoppel.

8. Duncan's DCMA counts fail as Duncan fails to present any evidence to support his claim and none of his theories are legally viable.

9. Blackbird is entitled to summary judgment on Duncan's Quantum Meruit-unjust enrichment because Duncan fails to present any evidence to support his claim and none of his theories are legally viable.

WHEREFORE, Blackbird prays that summary judgment be granted in their favor and that costs be assessed against Plaintiff and for such other and further relief as this Court may deem just and equitable.

Respectfully Submitted,

LAWSON LAW OFFICE, LLC

/s/ Christopher P. Lawson
Christopher P. Lawson #KS-000955
6750 Antioch Road, Suite 215
Overland Park, Kansas 66204
913-432-9922 tel.
913-432-9933 telefax
Attorney for Defendant, Counter-Plaintiff

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that a true and correct copy this document was e-filed without error and was transmitted to Plaintiff and Counsel by the Court's Electronic Case File System on December 1, 2020 addressed to:

Robert Schultz
640 Cepi Drive Chesterfield, Mo. 63005
636-537-4645 tel.
636-537-2599 telefax
rschultz@sl-lawyers.com
Attorney for Plaintiff

Michael Rudd
Sandberg, Phoenix & von Gontard, PC-KCMO
4600 Madison Avenue
Suite 1000
Kansas City, MO 64112
816-425-9699
Email: mrudd@sandbergphoenix.com
Attorney for Plaintiff

Shazzie Naseem
BerkowitzOliver, LLP
2600 Grand Boulevard, Suite 1200
Kansas City, MO 64108
Ph: 816-561-7007
Fax: 816-561-1888
SNaseem@BerkowitzOliver.com
Special Master

Philip R. Dupont
Sandberg, Phoenix & von Gontard, PC-KCMO
4600 Madison Avenue
Suite 1000
Kansas City, MO 64112
816-627-5533
Fax: 816-627-5532
Email: pdupont@sandbergphoenix.com
Attorney for Plaintiff

/s/ Christopher P. Lawson
Christopher P. Lawson #KS-000955
6750 Antioch Road, Suite 215
Overland Park, Kansas 66204
Ph: 913-432-9922
Fax: 913-432-9933
E-Mail: chris.lawson@lawsonlawllc.com
Attorney for Defendant, Counter-Plaintiff